



Richland County Council  
Regular Session  
April 6, 2021 – 6:00 PM  
Zoom Meeting

COUNCIL MEMBERS PRESENT: Paul Livingston Chair, Yvonne McBride Vice-Chair, Bill Malinowski, Derrek Pugh, Allison Terracio, Joe Walker, Gretchen Barron, Overture Walker, Jesica Mackey, and Cheryl English

OTHERS PRESENT: Angela Weathersby, Kyle Holsclaw, Michelle Onley, Tamar Black, Ashiya Myers, Dale Welch, Leonardo Brown, Lori Thomas, Michael Niermeier, Mike Maloney, Quinton Epps, Randy Pruitt, Elizabeth McLean, Stephen Staley, Michael Byrd, Jeff Ruble, Bill Davis, Chris Keefer, Clayton Voignier, Judy Carter, Ronaldo Myers, Sandra Haynes, Dwight Hanna, Jennifer Wladischkin, Beverly Harris, Geo Price, Allison Steele, Stacey Hamm, Jani Hussain and James Hayes

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Gretchen Barron.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gretchen Barron.

**APPROVAL OF MINUTES**

4. a. **Regular Session: March 16, 2021** – Ms. McBride moved, seconded by Ms. Terracio, to approve the minutes as distributed.

Ms. McBride noted her votes were not recorded several times due to technical difficulties.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey and English,

Not Present: Newton

The vote in favor was unanimous.

- b. **Zoning Public Hearing: March 23, 2021** – Ms. McBride moved, seconded by Ms. Barron, to approve the minutes as distributed.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey and English,

Not Present: Newton

The vote in favor was unanimous.

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- c. Special Called Meeting: March 23, 2021 – Ms. Barron moved, seconded by Ms. McBride, to approve the minutes as distributed.

Ms. English noted her votes were not recorded several times due to technical difficulties.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey and English,

Not Present: Newton

The vote in favor was unanimous.

- 5. **ADOPTION OF AGENDA** – Ms. McBride moved, seconded by Ms. Barron, to add the mask ordinance extension to the agenda.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey and English.

Opposed: Malinowski and J. Walker

Not Present: Newton

The vote was in favor.

Ms. McLean noted, since this item was added by 2/3 vote and will only require one vote, you will need to have a motion to add the item without 24-hour's notice due to emergent circumstances.

Ms. Barron moved, seconded by Ms. McBride, to add the mask ordinance due to an emergent circumstance.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey and English,

Opposed: Malinowski and J. Walker,

Not Present: Newton

The vote was in favor.

Mr. Livingston noted there is a resolution honoring Sheriff Lott as the National Sheriff of the Year, which he would like to move up on the agenda.

Ms. Barron moved, seconded by Ms. English, to adopt the amended agenda

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey and English,

Opposed: Malinowski and J. Walker,

Not Present: Newton

The vote was in favor.

**REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

6.

- a. Receipt of Legal Advice: Related to the Coggins lawsuit and settlement with former County Administrator Gerald Seals, including review of proposed settlement - Ms. McLean stated that this item did not require outside counsel and could be taken up during the second Executive Session.

**PRESENTATION OF RESOLUTION** - Ms. Onley read into the record the resolution recognizing Sheriff Lott on 6.5 receiving the National Sheriff of the Year award by the National Sheriff's Association.

Mr. Livingston noted the resolution was from full Council.

Mr. Lott thanked Council for the resolution and he stated this was not an individual award, but a group award including all the men and women at the Sheriff's Department. He noted the Sheriff's Department would not be able to do their work without the support of Council and the County Administrator's Office.

Ms. English, Ms. Barron, Ms. McBride, and Mr. O. Walker expressed their thanks to Sheriff Lott for his leadership and service.

7. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – No comments were received.

8. **CITIZEN'S INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at time.) - No comments were submitted.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown noted, since the last meeting, the percent positive for COVID has remained below the 5% goal. The incident rate reports for positive cases has also decreased and Richland County is no longer in that high range. We are now in the low moderate range. A couple weeks ago we talked about information related to the County, and specifically a projected date for the County to open for public access. The County is scheduling appointments, so individuals are able to go on the County's website or call-in and schedule those appointments. Based on the changes regarding vaccine availability, the Governor opened up vaccine for Phase II earlier than originally anticipated. We are still projecting to have public access by July 1<sup>st</sup>.

Yesterday, the White House released some information about Columbia Place Mall being a vaccination site. From Richland County's standpoint, this is a good view of us trying to partner with our local entities at the State and Federal levels.

The Emergency Rental Assistance Program launched Monday. They received 1,670 tenant applications and 127 landlord applications. Of those, 493 tenants and 37 landlord applications were submitted with all necessary documentation. Currently 27 tenant and 1 landlord applications are under review for eligibility. There are some applications that are pending information that require vendor responses to validate the information. In the agenda, there is a lot of information that communicate the various levels of outreach to get the information out.

Ms. Barron inquired if outreach and advertising will be ongoing until all of the funds are dispersed.

Mr. Brown responded in the affirmative.

Ms. Barron inquired if there was an update about how in-person services were going.

Mr. Brown responded, initially when individuals were coming in there was an influx and the Sheriff's Department spoke with them about how to modify the number of people accessing the building with social distancing. Departments have said that people have generally been patient.

- b. Regional Gateways Beautification Project Update – Mr. James Bennett provided an update on the Regional Gateways Beautification Project.

10. **REPORT OF THE INTERIM CLERK OF COUNCIL** – No report was given.

11. **REPORT OF THE CHAIR** – No report was given.

12. **OPEN/CLOSE PUBLIC HEARING**

- a. An Ordinance Authorizing an easement to Washington & Assembly, LLC for a perpetual right to receive light and air over and across land owned by Richland County; specifically the Main Library Branch of the Richland Library, located on the southwestern side of the intersection of Hampton Street (S-40-135) with Assembly Street (S-48), in the City of Columbia – No comment were received.
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Integrated MicroChromatography Systems, Inc., and IMCS Holdings, LLC; and other related matters – No comments were received.

13. **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance Authorizing an easement to Washington & Assembly, LLC for a perpetual right to receive light and air over and across land owned by Richland County; specifically the Main Library Branch of the Richland Library, located on the southwestern side of the intersection of Hampton Street (S-40-135) with Assembly Street (S-48), in the City of Columbia [THIRD READING]
- b. 20-036MA, Joginder Paul, CC-4 to CC-3 (202 Acres), 7430 Fairfield Road, TMS # R11904-02-05 [SECOND READING]
- c. 21-004MA, Richard Bates, CC1 to CC3 (2.63 Acres) of 75.81 Acres, Crane Church Road [SECOND READING]
- d. 21-008MA, Jatin Patel, RU to GC (5.37 Acres), 10040 Wilson Blvd., TMS # R14800-04-01 [SECOND READING]
- e. Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Hendley – 104 Alabama Street) [FIRST READING]
- f. Approval to proceed with the railroad crossing closure on Walter McCartha Road
- g. Purchase of Portable X-ray Equipment for Coroner's Office

h. Amendment to the Food Service Contract

Mr. J. Walker moved, seconded by Ms. Terracio, to approve the Consent Items.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The vote in favor was unanimous.

Ms. Barron moved, seconded by Ms. Terracio, to reconsider Items 13 (e -f, h-i), Item 16(a) and Items 17(a-c).

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The motion for reconsideration failed.

14. **THIRD READING ITEMS**

- a. 20-042MA, Gita Teppara, RS-MD to RM-MD (6.2 Acres), Sloan Road and Dorichlee Road, TMS # R20101-05-01 [THIRD READING] – Ms. Barron moved, seconded by Mr. O. Walker, to approve this item.

Ms. Barron stated, as we talked about economic development, and the importance of partnerships, the citizens of District 7 greatly appreciate when developers come into the community are willing to share their vision with the community prior to building. This is a great example of what happens when everyone is well informed.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey and English.

Not Present: Newton

The vote in favor was unanimous.

- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Integrated MicroChromatography Systems, Inc., and IMCS Holdings, LLC; and other related matter – Mr. Pugh moved, seconded by Ms. McBride, to approve this item.

Mr. Malinowski stated they have a lot of information, but it does not state what the infrastructure is that is going to cause \$4.1M to be invested in Richland County.

Mr. Ruble responded the special source infrastructure credit is a term, which can also be referred to as a special source revenue credit, and it is simply a reduction in taxes. They do not actually have to

invest in infrastructure. It is just a credit.

In Favor: Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English

Opposed: Malinowski.

Not Present: Newton

The vote was in favor.

15. **SECOND READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to a company identified for the time being as Project Catawba; and other related matters – Mr. Pugh moved, and seconded by Ms. McBride, to approve this item.

Mr. O Walker stated, it is his understanding, there is a railroad crossing near USC's campus. He inquired if there have been conversations about safety measures to protect students and pedestrians.

Mr. Beck responded this came up during the planning commission review in December. A discussion was held with the City Councilmembers and there were two (2) things that came out of it. The conditions for their site plan approval were as follows: (1) They would work with the City of Columbia to work on additional signage and striping; (2) As part of the quiet zone upgrades, this specific crossing is already funded for pedestrian and bike crossing upgrades across the railroad tracks.

Ms. Terracio inquired about the proposed storm water upgrade and the greenways investments.

Mr. Beck responded the project will be cleaning up the existing environmental conditions onsite and upgrading the overall water and storm sewer. They plan to treat all water and storm water before it runs off into the wetlands area on the east side of the site. They have \$1.3M set aside as part of the public improvements to address water treatment and quality.

Ms. Terracio inquired if the \$1.3M was listed on the previous briefing document.

Mr. Beck responded it was in a detailed chart with the breakdown of the public improvement allowance.

Ms. Terracio noted some of the people from the community were trying to contact the firm. She inquired if the firm had been able to make contact with them.

Mr. Beck responded in the affirmative.

Mr. Malinowski inquired about the total number of spaces in the parking deck.

Mr. Beck responded there are 559 spaces.

Mr. Malinowski inquired how many would be available to the public.

Mr. Beck responded 11 spaces will be available on the ground floor, 17 parallel spaces along Catawba Street and 10 surface spaces just before the entry to the garage.

Mr. Malinowski inquired if the 11 spaces in the garage would be open to the public 24-hours a day.

Mr. Beck responded in the affirmative.

Ms. Mackey stated she was recusing herself from the vote due to her parent company representing the client.

In Favor: Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker and English,

Opposed: Malinowski

Recused: Mackey

Not Present: Newton

The vote was in favor.

16. **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

- a. Approval of Summit Ridge Drive Sidewalk Project – Mr. Malinowski inquired what the mobilization cost is for.

Mr. Maloney responded the mobilization fee covers the cost to deliver, including bonds and other items necessary to deliver start-up or the project.

Mr. Malinowski stated, for clarification, the Engineering and Construction Management cost of 41% does not include that.

Mr. Staley responded in the affirmative. He noted the mobilization fee also covers the delivery of large construction equipment, land clearing, and Low Boys throughout the project.

Mr. Malinowski inquired about traffic control.

Mr. Staley responded, when they are working near the traveled way, they have to have flaggers other devices to keep the workers safe in the work zone.

Mr. Malinowski moved, seconded by Mr. O. Walker, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English

Not Present: Newton

The vote in favor was unanimous.

17. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. Request for approval of willingness to serve for a proposed development, Ridge Road Subdivision, Old Leesburg Road, Tract ( TMS # 225000-02-07 )/CAP E-2020007 – Mr. Malinowski stated he thought we had a different letter approved than the one in the packet. He noted in the previously drafted letter there was a paragraph that said, “Be advised while sewer capacity may be available we are not implying requirements for zoning and permitted, in accordance with local jurisdictions have been met. Richland County Utilities has no authority to approve or comment on zoning or other types of permits. This letter only pertains to sewer capacity and our willingness to provide sewer service. Please contact local authorities for any information regarding additional approvals.” He believes that is the letter that should be sent out, so it takes away any doubt the County and Council is approving something else, so we avoid any legal problems.

Mr. Davis responded there would be no problem with adding the language to the willingness letters.

Mr. Malinowski moved, seconded by Mr. O. Walker, to approve items 16(a) and (b) with the addition of the proposed language.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English

Not Present: Newton

The vote in favor was unanimous.

- b. Request for approval of willingness to serve for a proposed development, Collins Cove Subdivision at Guise Road, Chapin, SC29036 (TMS # 01510-01-01) /CAP B-2021007 – This item was taken up in Item 16(a).
- c. Approval of award of Engineering Services; Pavement Management Study (PMS) – Mr. Malinowski noted there was a huge discrepancy between one of the applicant and the other four when it comes to personnel experience. He inquired if that was of great importance and how it was determined.

Ms. Wladischkin responded an independent evaluation team did the scoring that was provided and consolidated. The particular score perhaps indicates some of the individual personnel of a particular firm may not have presented as well as personnel from other firms. The overall firm score would be a different score.

Mr. Malinowski noted, when it comes to the total overall scores there is a 3-point difference between two (2) of the firms, yet the SLBE inclusion participation is considerably greater and the greatest in one of the firms. He thought Richland County was working towards the SLBE inclusion. There is only a 3-point difference in the overall score. The personnel experience has a 10-point difference, and the SLBE is greater on the other one that fell down on the personnel experience. He wondered if anyone looked into that, as far as the SLBE, to see if this is a case where we do not go with the 2<sup>nd</sup> person on the list.

Ms. Wladischkin responded the SLBE participation is weighted according to the ordinance, and even though they may have scored more points in that area, it has less weight than the other categories.

Mr. Malinowski inquired if Councilwoman McBride reviewed this and has any comments on this.

Ms. McBride responded she noticed this as well and appreciated Mr. Malinowski's comments.

Mr. Malinowski inquired if it would be injurious in any way to the County to go with that particular firm because of the greater SLBE participation.

Ms. Wladischkin responded if it were Council's will, they would abide by that.

Mr. Livingston stated, for clarification, staff's recommendation is per our current ordinance, as it relates to SLBE scoring.

Ms. Wladischkin responded in the affirmative.

Mr. Livingston suggested Council approve this since it is consistent with the ordinance, and look at changing the ordinance, if we want to be fair and move forward.

Ms. McBride stated she agrees we need to look at the ordinance, and all the other areas she has discussed previously.

Mr. J. Walker moved, seconded by Mr. Livingston, to approve staff's recommendation.

In Favor: Malinowski, Pugh, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English

Opposed: McBride

Not Present: Newton

The vote was in favor.

- d. FY22 Proposed Budget Calendar – Mr. Malinowski stated the A&F Committee recommended proceeding with the preparation of a balanced annual budget for FY22 and a proposed balanced annual budget for FY23. He noted the dates of meetings that will be of importance to Councilmembers, should they wish to attend.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The vote in favor was unanimous.

## 18. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

### a. ITEMS FOR ACTION

1. Unless there are truly extenuating circumstances agenda items should not be listed as "Title Only". (Somebody was late getting it to us" is not extenuating.) This only gives the public two opportunities to see an item prior to final approval by Council when in fact there should be three. [MALINOWSKI] – Mr. Malinowski stated the committee recommended to approve the following language: "Absent a finding by the Chair of exigent circumstances, no ordinance having only a title and no supporting body (i.e. by "Title Only") shall be placed on a council agenda. The Chair shall report the exigent

circumstance to the full body at the call of the item. Notwithstanding the within, ordinances related to economic development projects may be placed on an agenda with a title only, provided that the Chair of the Economic Development Committee recommends such action and a report is presented to the full council, in executive session if necessary and appropriate, providing background information sufficient for the Council to make an informed decision.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English

Not Present: Newton

The vote in favor was unanimous.

2. Consider moving the Horizon meeting to Tuesday and have delivery of finished agendas to Council members by Thursday close of business – Mr. Malinowski stated the committee recommends to change the Horizon meeting to Tuesday and move the delivery of agendas to Council on Thursday, on a trial basis, beginning in September 2021 and ends in December 2021.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The vote in favor was unanimous.

Ms. Terracio thanked the Rules and Appointments Committee for moving these items forward.

Mr. Malinowski moved, seconded by Ms. McBride, to reconsider items 17 (d) and 18 (a) and (b).

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey and English.

The motion for reconsideration failed.

## 19. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Clemson Road Phase I Sidewalk – Mr. O Walker stated the committee recommended the approval of the award of the Clemson Rd. Ph. 1 Sidewalk Project to Tolleson Limited Company in the amount of \$269,900.00, and to approve a 10% construction contingency of \$26,990.00, for a total budget of \$296,890.00.

Mr. Malinowski inquired if we normally award a contract to a company with an expired license. He noted this company's license expired in December 2020.

Ms. Wladischkin responded the expired license if for the City of Columbia, but she believes there is a grace period from January 1<sup>st</sup> to March 31<sup>st</sup> where people are allowed to continue to renew their

licenses without the license being considered expired.

Mr. Malinowski inquired if their business license was in order with Richland County.

Ms. Wladischkin responded in the affirmative.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, and English.

Opposed: Malinowski and J. Walker

No Present: Newton

The vote was in favor.

- b. Mitigation Bank Credit Sale – Mr. O. Walker stated the committee recommended to approve the credit sale.

Ms. English inquired where the funds received will go.

Mr. Niermeier responded the funds will go back into the Penny Tax account. The money is for the whole of the program, and is also used to pay back the initial expenses of buying the land and the cost of the partnership with Mill Creek Mitigation Bank.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, O. Walker, Mackey, and English.

Opposed: J. Walker

Not Present: Newton

The vote was in favor.

Mr. O. Walker moved, seconded by Ms. McBride, to reconsider items 18 (a) and (b).

In Favor: Malinowski and J. Walker

Opposed: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The motion for reconsideration failed.

20. **REPORT OF THE DETENTION CENTER AD HOC COMMITTEE**

- a. Detainee Phone System – Ms. Terracio stated the committee agreed the rate should be \$0.10/minute. Any money, after the cost of providing the service, should be kept within the Detention Center budget in order to create training and enrichment programs for detainees.

Mr. Myers stated the Jail Management System was also a part of the recommendation. The phone company gives a Technology Grant, which basically comes out of the commission. They are going to pay for the detention center to have a new Jail Management System.

Ms. Terracio amended the committee's recommendation to include the Jail Management System approval.

Ms. McBride noted the current Jail Management System is old and is causing problems with the staff maintaining accountability for the detainees.

Ms. Terracio requested Mr. Myers to outline the current system and the benefits of the new system.

Mr. Myers responded the current system was purchased about 20 years ago. When they need a report they have to be assisted by IT, which may take a day, a week or a month. They put incident reports into the system that they cannot retrieve. He noted with the new Jail Management System they hope to be able to retrieve the reports. The new system was designed so an officer can enter an incident report, run NCIC (National Crime Information Center) reports as soon as a person is processed, and prior to them being released. This would free staff to do additional work. The system will also have a classification system. Everything they do now is manual, and the new system would automate almost everything.

Mr. Malinowski inquired about the cost of the system.

Mr. Myers responded it varies in cost and he would have to ask the company that is awarded the contract to find the best JMS for the Detention Center.

Mr. Malinowski inquired, if they have already awarded a contract to someone, and they did not have the funds for it.

Mr. Myers responded the funds come from the phone system itself.

Mr. Malinowski stated, for clarification, from the former Jail Management System.

Mr. Myers responded the funds will come from the telephone commission. There will not be an additional cost.

Mr. Malinowski inquired if the system be an ongoing cost per year.

Mr. Myers responded in the affirmative. Those funds would come out of the phone contract system.

Mr. Malinowski stated it seems this would be a budget type item for this particular system. If this phone system goes by the wayside, or fails to produce the funds, the County is going to have to provide funds for the system. He believes this should be requested through the budget process, so they know they are covered.

Mr. Brown responded, without knowing what the JMS and the company are going to provide, it is hard to answer if this should be a budget item. We could limit the scope of what the current approval would do. We could award the approval contingent upon additional information, and we can determine whether it makes sense to utilize their JMS or go through a separate process. This is another example of a long-term infrastructure issue we are trying to address. If the County budgets for it through a direct appropriation, or if we can get credits funded by a different agency, is something that be more helpful to us in not holding up a much needed system for an outdated system.

Mr. Malinowski noted we do not know the exact costs and how many people provide such a service. He inquired if this would be a procurement matter.

Ms. Wladischkin responded, it was her understanding, the funds that would be utilized for the JMS are coming from revenues collected from the phone system. The funds are not actually coming from Richland County, which would be one of the negotiated functions of the contract for the phone service, so it would not fall under the Procurement Guidelines.

Mr. Malinowski stated there is a lot of information that has not been provided to Council, and we are being asked to approve something more than deciding what the phone rate should be. He would like to see more specifics.

Mr. Malinowski moved to defer this item. The motion died for lack of a second.

Ms. Terracio noted she was not comfortable with the coupling of these two items and would like to see more transparency

Mr. Malinowski moved, seconded by Ms. Terracio, to approve the \$0.10/minute rate and bring back the information on the JMS in the future.

Ms. McBride stated this is not out of the norm, in terms of having this contract, and the JMS a part of it. She noted the Administration and the Detention Center staff have an old system that is causing new problems and it is something that needs to be changed and improved. They are already short staffed and a new system would help them.

Mr. Malinowski responded he was not arguing the system is not needed, but the Director never brought this JMS to them, when they started talking about the phone system.

Mr. Myers responded this has been brought up over the past several years. We talked about it in 2010 and he believes it was mentioned in the document about a Technology Grant. This would enhance the communications with the families because the rates are cheaper, and more detainees would be willing to use the phones. It will also improve the education programs, enable detainees to get their GEDs, and provide more books to read.

Ms. McBride made a substitute motion, seconded by Mr. Livingston, to approve the committee's recommendation to set the rate at \$0.10/minute, that any revenue received from the phone system be used for mental health and other services, to include the JMS program.

Mr. Malinowski noted that is the original committee recommendation.

Ms. Terracio requested a definitive statement from Procurement on these being bundled together.

Ms. Wladischkin responded, since this service is being paid by the phone service provider as a part of the fees they are charging for the use of the phone service, it would not fall under the Procurement Rules for Richland County.

Mr. Malinowski inquired if the fees would be paid directly to the company or will they have to go to Richland County and then to the company.

Mr. Myers responded he believes the fees would be paid directly to the company.

Ms. Wladischkin stated, her understanding, prior to the County receiving their revenue, whatever expenses for the JMS would be deducted from the overall revenue. She was not sure the County is comfortable with the amount of revenue, and the fact we are not sure of the cost the phone provider will be incurring for providing the service itself. They have been reticent to share with us what their actual costs are.

Mr. Malinowski responded he believes all that needs to be worked out before we approve something. He inquired, if a committee makes a recommendation, can that recommendation be brought back as a motion.

Ms. McBride withdrew her motion.

Mr. Malinowski stated he is in support of getting a new system, but he wants to do it right.

Ms. Terracio inquired if they could have the information by the April 20<sup>th</sup> meeting.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The vote in favor was unanimous.

20.5 An Ordinance extending Ordinances 017-20HR, 041-20HR, 055-20HR and 003-21HR, requiring the wearing of face masks to help alleviate the spread of COVID-19 – Ms. McBride moved, seconded by Ms. Terracio, to approve the extension of the mask ordinance.

Ms. Terracio requested the date of expiration be prominently published, so citizens can have a better understanding.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, and English.

Opposed: Malinowski and J. Walker

Not Present: Newton

The vote was in favor.

Ms. Barron moved, seconded by Ms. McBride, to reconsider this item.

In Favor: Malinowski and J. Walker

Opposed: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The motion for reconsideration failed.

21. **OTHER ITEMS**

- a. FY20 - District 3 Hospitality Tax Allocations – Ms. McBride moved, seconded by Ms. Barron, to approve this item

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, and English.

Opposed: J. Walker

The vote in favor was unanimous.

21. **EXECUTIVE SESSION**

- a. Receipt of Legal Advice: Related to the Coggins lawsuit and settlement with former County Administrator Gerald Seals, including review of proposed settlement – Ms. Barron moved, seconded by Ms. English, to go into Executive Session

In Favor: Pugh, Livingston, McBride, Barron, O. Walker, Mackey and English

Opposed: Malinowski, Terracio, and J. Walker

Not Present: Newton

The vote was in favor.

***Council went into Executive Session at approximately 8:03PM  
and came out at approximately 8:07pm***

Ms. Mackey moved, seconded by Ms. Terracio, to come out of Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, and English.

Not Present: Newton

The motion in favor was unanimous.

No action was taken following Executive Session.

23. **ADJOURNMENT** – The meeting adjourned at approximately 8:09 PM